IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 33158 of 2007(V)

OS.77/2001 OF SUB COURT, MAVELIKKARA.
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PETITIONER:

RAJU, AGED 48 YEARS, S/O.KUTTAPPAN,
'YAVANIKA HOUSE', VETTUVENI MURI, HARIPAD P.O.,
ALAPPUZHA DISTRICT.

BY ADV. SRI.S.SHANAVAS KHAN.

RESPONDENT:

SUMATHI, AGED 69 YEARS,
D/O.BHARATHI, SREE NILAYATHIL VEEDU (MAROTTIMOOTTIL)
NANGIARKULANGARA P.O., CHINGOLI VILLAGE,
ALAPPUZHA DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.33158 OF 2007

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Dated this the 12th day of November 2007

JUDGMENT

This writ petition is filed for a direction to the Sub Court, Mavelikkara to dispose of Ext.P3 without insisting the issuance of notice to the respondent. The petitioner has obtained a decree for specific performance of contract and it is submitted that he had already deposited the balance consideration. The anxiety of the petitioner is quite understandable. But, at the same time, it may not be proper to direct the Sub Judge to dispose of Ext.P3 without insisting for issuance of notice to the respondent.

Therefore, I am inclined to dispose of the writ petition with a direction to the Sub Court, Mavelikkara to dispose of Ext.P3 after complying with the legal formalities, as expeditiously as possible. If personal notice could not be effected on account of evasion by the defendant in the suit, the court can resort to other methods whereby affixture can be done and the matter shall be disposed of in accordance

with law within six weeks from today.

Writ petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

Cdp/-